COUNTY COUNCIL
County of Hawai‘i
Hawai‘i County Building
25 Aupuni Street
Hilo, Hawai‘i 96720

47th Session

ORDER OF BUSINESS

Hawai‘i County Building
25 Aupuni Street
Hilo, Hawai‘i

August 3, 2016
9:00 a.m.

(Note: Please turn all communication devices to silent mode.)

INVOCATION
Reverend Tag Taggart of the Center for Spiritual Living

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

Serving the Interests of the People of Our Island
Hawai‘i County is an Equal Opportunity Provider and Employer.
PETITIONS, MEMORIALS, CERTIFICATES OF MERIT, AND EXPRESSIONS OF CONDOLENCE

STATEMENTS FROM THE PUBLIC ON AGENDA ITEMS

(NOTE: COUNCIL MAY TAKE A LUNCH BREAK CLOSE TO THE NOON HOUR.)

APPROVAL OF MINUTES

COMMUNICATIONS

ORDER OF RESOLUTIONS

Res. 552-16: SUPPORTS THE NECESSARY INITIATIVES FOR THE COUNTY OF HAWAI‘I TO ACHIEVE CERTIFICATION AS A BLUE ZONES COMMUNITY
Urges the County to adopt policies that will apply towards certification as a Blue Zones Community, with an emphasis on reducing tobacco use, increasing production of and access to healthy foods, and implementation of complete Streets projects.

Reference: Comm. 922
Intr. by: Ms. Poindexter
Approve: HSSSC-3

Res. 553-16: AUTHORIZES THE DIRECTOR OF FINANCE TO NEGOTIATE A MULTI-YEAR LEASE OF REAL PROPERTY, OLD WAIMEA TAX OFFICE, SITUATED AT WAIMEA, SOUTH KOHALA, COUNTY AND STATE OF HAWAI‘I, IDENTIFIED AS TAX MAP KEY: 6-7-002:025, TO THE WAIMEA PRESERVATION ASSOCIATION
The property, consisting of 31,652 square feet, would be used by the Waimea Preservation Association as a historical resource center.

Reference: Comm. 925
Intr. by: Ms. Eoff
Approve: FC-70
Res. 557-16: TRANSFERS/APPROPRIATES AN APPROPRIATION OUT AND FROM A DESIGNATED FUND ACCOUNT AND CREDITS SAME TO A DESIGNATED FUND ACCOUNT TO PAY FOR A CROSSWALK AND FLASHING LIGHTS FOR HAWAI‘I MONTESSORI SCHOOL ON MANAWALE‘A STREET, NORTH KONA
Transfers $10,000 from the Clerk-Council Services – Contingency Relief account (Council District 8); and credits to the Public Works, Transfer to Highway Fund account.

Reference: Comm. 933
Intr. by: Ms. Eoff

Res. 558-16: TRANSFERS/APPROPRIATES AN APPROPRIATION OUT AND FROM A DESIGNATED FUND ACCOUNT AND CREDITS SAME TO A DESIGNATED FUND ACCOUNT TO PROVIDE A GRANT TO FRIENDS OF THE FUTURE FOR THE 2016 HAWAI‘I ISLAND WOMEN’S LEADERSHIP FORUM
Transfers $2,500 from the Clerk-Council Services – Contingency Relief account (Council District 6); and credits to the Office of the Prosecuting Attorney, Kona Other Current Expenses account.

Reference: Comm. 935
Intr. by: Ms. David

Res. 559-16: TRANSFERS/APPROPRIATES AN APPROPRIATION OUT AND FROM A DESIGNATED FUND ACCOUNT AND CREDITS SAME TO A DESIGNATED FUND ACCOUNT TO PROVIDE A GRANT TO HOSPICE OF HILO TO ASSIST WITH EXPENSES RELATING TO PERSONNEL TRAINING FOR END-OF-LIFE CARE
Transfers $3,000 from the Clerk-Council Services – Contingency Relief account (Council District 4); and credits to the Research and Development, Hawai‘i County Resource Center account.

Reference: Comm. 936
Intr. by: Mr. Ilagan
Res. 560-16: TRANSFERS/APPROPRIATES AN APPROPRIATION OUT AND FROM A DESIGNATED FUND ACCOUNT AND CREDITS SAME TO A DESIGNATED FUND ACCOUNT TO PROVIDE A GRANT TO THE BIG ISLAND LIONS FOUNDATION FOR EDUCATIONAL PROJECTS AND EVENTS TO RAISE AWARENESS ABOUT THE EFFECTS OF ALCOHOL AND SUBSTANCE ABUSE IN FAMILY LIFE
Transfers $6,500 from the Clerk-Council Services – Contingency Relief account (Council District 3); and credits to the Liquor Control, Public Programs account.

Reference: Comm. 937
Intr. by: Mr. Onishi

Res. 561-16: TRANSFERS/APPROPRIATES AN APPROPRIATION OUT AND FROM A DESIGNATED FUND ACCOUNT AND CREDITS SAME TO A DESIGNATED FUND ACCOUNT TO PROVIDE A GRANT TO FIRST ASSEMBLY OF GOD FOR THE CONVOY OF HOPE BIG ISLAND COMMUNITY EVENT
Transfers $2,000 from the Clerk-Council Services – Contingency Relief account (Council District 3); and credits to the Parks and Recreation, Administration Other Current Expenses account.

Reference: Comm. 938
Intr. by: Mr. Onishi

Res. 562-16: TRANSFERS/APPROPRIATES AN APPROPRIATION OUT AND FROM A DESIGNATED FUND ACCOUNT AND CREDITS SAME TO A DESIGNATED FUND ACCOUNT TO PROVIDE A GRANT TO PĀHOA SCHOOLS SUPPORT FOUNDATION FOR REIMBURSEMENT OF EXPENSES RELATED TO THE 2016 PĀHOA HIGH SCHOOL PROJECT GRAD NIGHT
Transfers $2,000 from the Clerk-Council Services – Contingency Relief account (Council District 5); and credits to the Liquor Control, Public Programs account.

Reference: Comm. 939
Intr. by: Mr. Paleka
Res. 563-16: TRANSFERS/APPROPRIATES AN APPROPRIATION OUT AND FROM A DESIGNATED FUND ACCOUNT AND CREDITS SAME TO A DESIGNATED FUND ACCOUNT TO PROVIDE A GRANT TO THE KEA‘AU COUGARS ATHLETIC BOOSTER CLUB FOR REIMBURSEMENT OF EXPENSES RELATED TO THE 2016 KEA‘AU HIGH SCHOOL PROJECT GRAD NIGHT
Transfers $2,500 from the Clerk-Council Services – Contingency Relief account (Council District 5); and credits to the Liquor Control, Public Programs account.

Reference: Comm. 940
Intr. by: Mr. Paleka

Res. 564-16: AUTHORIZES THE PAYMENT OF FUNDS OF A LATER FISCAL YEAR AND OF MORE THAN ONE FISCAL YEAR FOR A MULTI-YEAR AGREEMENT FOR ANTI-VIRUS SOFTWARE
Authorizes the Mayor to enter into a two-year agreement with Threat Track. The subscription is for 100-249 licenses, which will cover all users at the Office of the Prosecuting Attorney.

Reference: Comm. 941
Intr. by: Ms. Eoff
Waived: FC

Res. 565-16: ESTABLISHES A HAWAI‘I ISLAND PACKAGING SUSTAINABILITY INITIATIVE (HIPS) STAKEHOLDERS TASK FORCE
Task Force to include Federal, State, and County agencies and representatives of the private sector who shall meet to seek legislative actions that will: (1) require retailer and producer take-back of non-recyclable, non-reusable, and non-compostable products and packaging; and (2) prevent the production of packaging waste and promote the use of packaging products that can be reused, recycled, and recovered.

Reference: Comm. 944
Intr. by: Mr. Paleka
Waived: EMC
Res. 566-16: 

Authorizes the retention of special counsel, at a cost not to exceed $25,000, to represent the County in proceedings before the Labor Relations Board relating to Bargaining Unit 11 contract negotiations (firefighters).

Note: Requires 2/3 vote of the entire membership, pursuant to Section 6-5.5, Hawai‘i County Charter

; and

Res. 567-16: 
AUTHORIZES THE MAYOR TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE STATE OF HAWAI‘I, THE CITY AND COUNTY OF HONOLULU, THE COUNTY OF KAUA‘I, AND THE COUNTY OF MAUI FOR COST SHARING IN THE SERVICES OF A PRIVATE ATTORNEY TO REPRESENT THE PUBLIC EMPLOYER IN MATTERS RELATING TO LITIGATION OF UNION PROPOSALS

Would allow the County, pursuant to Section 46-7 of the Hawai‘i Revised Statutes, to enter into an intergovernmental agreement to share costs and services for a private attorney in proceedings before the Labor Relations Board relating to Bargaining Unit 11 contract negotiations (firefighters).

Reference: Comm. 945
Intr. by: Ms. Eoff
Waived: FC

BILLS FOR ORDINANCES (FIRST READING)

Bill 223: 

Increases revenues in the Transfer from General Fund account ($10,000); and appropriates the same to the Signals and Street Lights account. Funds would be used to install a crosswalk and flashing lights on Manawalea’a Street in North Kona.

Reference: Comm. 942
Intr. by: Ms. Eoff
Waived: FC

Increases revenues in the Federal Grants – High Intensity Impact Grant account ($40,425); and appropriates the same to the High Intensity Impact Grant account. Funds would be used to combat the methamphetamine drug problem by conducting sting operations and training officers in the enforcement of these drug related cases.

Reference: Comm. 943
Intr. by: Ms. Eoff
Waived: FC

ORDER OF THE DAY (SECOND OR FINAL READING)

Bill 206 (Draft 2): AMENDS SECTION 25-8-26 (PĀHOA ZONE MAP), ARTICLE 8, CHAPTER 25 (ZONING CODE) OF THE HAWAI‘I COUNTY CODE 1983 (2005 EDITION), BY CHANGING THE DISTRICT CLASSIFICATION FROM SINGLE-FAMILY RESIDENTIAL – 10,000 SQUARE FEET (RS-10) TO VILLAGE COMMERCIAL – 10,000 SQUARE FEET (CV-10) AT NĀNĀWALE HOMESTEADS, PĀHOA, PUNA, HAWAI‘I, COVERED BY TAX MAP KEY: 1-5-011:008 AND 1-5-011:009

(Applicants: David and Charlene Ewing) (Area: Approx. 17,994 square feet)
The Windward Planning Commission forwards its favorable recommendation for this change of zone, which would allow the applicants to develop a 2,400 square-foot commercial building into an internet coffee shop and retail business complex on Pāhoa Village Road in downtown Pāhoa.

Reference: Comm. 876.5
Intr. by: Mr. Ilagan
Referred to the Planning Department: June 3, 2016
First Reading: July 19, 2016
Bill 210: AMENDS ORDINANCE NO. 889 (FORMERLY KAMUELA ZONE MAP, CURRENTLY LALAMILO PU‘UKAPU ZONE MAP), WHICH RECLASSIFIED LANDS FROM AGRICULTURAL – FORTY ACRES (A-40a) TO AGRICULTURAL – FIVE ACRES (A-5a) AT PU‘UKAPU HOMESTEADS, 2ND SERIES, SOUTH KOHALA, HAWAI‘I, COVERED BY TAX MAP KEYS: 6-4-017:023, 064-067, AND 078 (FORMERLY 6-4-017:023) (Planning Director Initiated)

The Leeward Planning Commission forwards its favorable recommendation for this amendment to the Zoning Code, which would delete Conditions C and H removing limiting agricultural use restrictions, and add a new condition to allow the full range of agricultural land uses.

Reference: Comm. 889
Intr. by: Mr. Ilagan (B/R)
First Reading: June 15, 2016
Postponed: July 7, 2016

(Note: There is a motion by Mr. Ilagan, seconded by Mr. Paleka, to approve Bill 210.)


Adds a portion of Old Māmalahoa Highway to Section 24-265, Schedule 13 (Yield locations), subsection (b), North Hilo, to limit traffic to one vehicle at a time over the Hakalau Stream Bridge.

Reference: Comm. 905
Intr. by: Ms. Poindexter
First Reading: July 19, 2016
Bill 214:

AMENDS SECTION 25-8-33 (CITY OF HILO ZONE MAP), ARTICLE 8, CHAPTER 25 (ZONING CODE) OF THE HAWAIʻI COUNTY CODE 1983 (2005 EDITION), BY CHANGING THE DISTRICT CLASSIFICATION FROM AGRICULTURAL – THREE ACRES (A-3a) TO FAMILY AGRICULTURAL – ONE ACRE (FA-1a) AT WAIĀKEA HOMESTEADS 2ND, WAIĀKEA, SOUTH HILO, HAWAIʻI, COVERED BY TAX MAP KEY: 2-4-034:044 (Applicant: Chris Brilhante) (Area: 3.5876 acres)

The Windward Planning Commission forwards its favorable recommendation for this change of zone, which would allow the applicant to subdivide the property into three lots. The applicant states that the lots will be conveyed to family members.

Reference: Comm. 906
Intr. by: Mr. Ilagan (B/R)
First Reading: July 19, 2016

Bill 215:

AMENDS ORDINANCE NO. 06-114, WHICH RECLASSIFIED LANDS FROM SINGLE FAMILY RESIDENTIAL – 10,000 SQUARE FEET (RS-10) TO GENERAL COMMERCIAL – 20,000 SQUARE FEET (CG-20) AT WAIĀKEA HOUSE LOTS, HAWAIʻI, COVERED BY TAX MAP KEYS: 2-2-034:066, 078, AND 079 (Applicant: Big Island Candies, Inc.) (Area: Approx. 45,450 square feet)

The Windward Planning Commission forwards its favorable recommendation for an eight-year time extension to Condition C (time to complete construction) as well as Conditions D, E, and F (roadway infrastructure improvements). The applicant states it intends to construct an additional two-story, 25,000 square foot production/storage facility and open visitor rest area.

Reference: Comm. 907
Intr. by: Mr. Ilagan (B/R)
First Reading: July 19, 2016

The Leeward Planning Commission forwards its favorable recommendation for amendments to Condition B (final subdivision approval) and Condition J (construction of drainage improvements); and its unfavorable recommendation to amend Condition V (fair share contributions). The proposed project has not changed from that presented by the former applicant to develop a 58-unit, single-family residential subdivision and related improvements.

Reference: Comm. 911
Intr. by: Mr. Ilagan (B/R)
First Reading: July 19, 2016

Bill 217 (Draft 2):

AMENDS SECTION 25-8-33 (CITY OF HILO ZONE MAP), ARTICLE 8, CHAPTER 25 (ZONING CODE) OF THE HAWAI‘I COUNTY CODE 1983 (2005 EDITION), BY CHANGING THE DISTRICT CLASSIFICATION FROM SINGLE FAMILY RESIDENTIAL – 10,000 SQUARE FEET (RS-10) TO NEIGHBORHOOD COMMERCIAL – 10,000 SQUARE FEET (CN-10) AT WAIĀKEA HOUSE LOTS 1ST, WAIĀKEA, SOUTH HILO, HAWAI‘I, COVERED BY TAX MAP KEYS: 2-2-027:038, 039, AND 058 (Applicant: James Ishii) (Area: 58,500 square feet)

The Windward Planning Commission forwards its negative recommendation for this change of zone, which would allow the applicant to consolidate three contiguous lots on which the applicant’s three existing dwellings would be removed to develop a 14,000 square foot commercial building to be used as office space with on-site parking provided.

Reference: Comm. 908.4
Intr. by: Mr. Ilagan (B/R)
First Reading: July 19, 2016
Bill 220: AMENDS ORDINANCE NO. 16-73, AS AMENDED, RELATING TO PUBLIC IMPROVEMENTS AND FINANCING THEREOF FOR THE FISCAL YEAR JULY 1, 2016, TO JUNE 30, 2017

Adds the Parks and Recreation Hilo Bayfront Trails - Federal project for $165,667 to the Capital Budget. Funds for this project shall be provided from Federal Grants Receivable ($165,667). Funds would be used to construct a paved multi-purpose pathway along Hilo Bayfront.

Reference: Comm. 928
Intr. by: Ms. Eoff
First Reading: July 19, 2016
Note: Requires 2/3 vote of the entire membership to amend, pursuant to Section 10-6(e), Hawai‘i County Charter

Bill 221: REPEALS ORDINANCE NO. 15-81, WHICH INITIATED AN AMENDMENT TO ARTICLE VI, CHAPTER 3, SECTION 6-3.4, OF THE HAWAI‘I COUNTY CHARTER (2014), RELATING TO COUNTY BANDS

Reference: Comm. 930
Intr. by: Mr. Ilagan
First Reading: July 19, 2016
2/3 Vote: Second of three required readings

REPORTS

REFERRALS FOR EXECUTIVE SESSION

A 2/3 vote pursuant to Hawai‘i Revised Statutes, Section 92-4, and Rule Nos. 2 and 10 of the Rules of Procedure of the County Council is necessary to hold an executive meeting.

OTHER BUSINESS

(Including but not limited to consideration of vetoed items, if any, or reconsideration of actions on agenda items.)

ANNOUNCEMENTS

ADJOURNMENT

Note: B/R, when listed next to the name of an Introducer, signifies that the Council Member has agreed to introduce legislation “By Request” on behalf of the requesting party. It does not necessarily signify support of or opposition to the proposal.
The meeting places are accessible for persons with disabilities. Persons who need special accommodations for this meeting should call 961-8255 by August 1, 2016. Relay users please call 711(961-8255) to contact our office.

Public attendance via courtesy site is available at the following locations until 4:30 p.m. or later in the event public testimony has not been completed:

- Kona Council Office, West Hawai‘i Civic Center, 74-5044 Ane Keohokālole Highway, Building A; and
- Waimea Council Office, Holomua Center, 64-1067 Māmalahoa Highway, Suite 5.

Public attendance via courtesy site is also available at the following locations until public testimony has been completed:

- Nā‘ālehu State Office Building, 95-5669 Māmalahoa Highway, Nā‘ālehu;
- Old Kohala Courthouse, 54-3900 Akoni Pule Highway, Kapa‘au; and
- Pāhoa Neighborhood Facility, 15-2710 Kauhale Street.

If, due to unanticipated circumstances, the courtesy site is unavailable and/or participation is disrupted, the scheduled meeting will continue.

Live stream of County Council Meetings: Council meetings are available for live viewing. Click on Council Meetings on the County’s homepage at http://www.hawaiicounty.gov.

Copies of this agenda and items listed on the agenda are available on the County Council-Clerk web page at http://www.hawaiicounty.gov/lb-council-meeting. For further information, please call 961-8255.

Submitting Written Testimony: Those submitting written testimony at the meeting should bring fourteen (14) copies for distribution. Public testimony may also be submitted before 12:00 noon on the business day prior to the meeting: (1) by mail to the County Clerk’s Office in Hilo at 25 Aupuni Street, Hilo, Hawai‘i, 96720; (2) by facsimile to (808) 961-8912; or (3) by e-mail to counciltestimony@hawaiicounty.gov. Please submit separate testimony for each item.

Submitting Video Testimony: Those submitting video testimony may e-mail a complete web address (url) to videotestimony@hawaiicounty.gov before 12:00 noon on the business day prior to the meeting. The e-mail shall indicate the appropriate Committee or Council meeting, the meeting date, agenda item (communication, bill, resolution, or report number), and number of testifiers on the video submittal. Each video submittal shall be limited to a single agenda item. Video submittals may contain up to three individual testifiers and shall each be up to three minutes in length. Video testimony will not be played during the meeting; however, it will be distributed to Council Members prior to the meeting. The Office of the County Clerk reserves the right to refuse testimony containing inappropriate content or that is not in compliance with Council Rule 13 (Public Statements and Testimony).

Viewing of Meetings on Government Access Television - Channel 55: Wednesdays, August 10 and 17, 2016, at 6 p.m.; Fridays, August 12 and 19, 2016, at 12 p.m.; and Sundays, August 14 and 21, 2016, at 9 a.m. (These airtimes are subject to preemption by broadcasts from the State Legislature, and are subject to change by Na Leo ‘O Hawai‘i. Please check the current legislative broadcast schedule on the Na Leo ‘O Hawai‘i website at http://www.naleo.tv/tv-schedules/channel-55/.)